

### **REMARKS**

This responds to the Final Office Action mailed on January 9, 2009.

Claims 8-13, 21-23, 26, and 28 are amended; claims 1-7 and 15-20 were previously canceled, without prejudice and disclaimer to the Applicant; as a result, claims 8-14 and 21-29 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification page 10 lines 6-29 and page 13 line 29 to page 14 line 2.

Additionally, the amendments are accompanied with a Request for Continued Examination (RCE) along with the appropriate fees, as such entry of the amendments is appropriate.

#### **§ 112 Rejection of the Claims**

Claims 8 and 21 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner has removed this rejection based on the Advisory mailed on March 16, 2009. So, this is no longer an issue in the present case.

#### **§ 102 Rejection of the Claims**

Claims 8-14 and 21-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Amdur et al. (U.S. 2008/0134286). To sustain an anticipation rejection each and every element in the rejected claims must be taught or suggested in the exact detail and identical arrangement as that which is shown in the cited reference.

Applicant respectfully disagrees with the learned Examiner's position in the Advisory with respect to the biometric data of the Amdur reference. That is, Applicant remains of the opinion that biometric data is not random and is in fact more stable and reliable than a password would be; biometric data is inherently unchangeable and not randomly generated by any means. So, Applicant asserts that it cannot be considered to be random and as such does not anticipate the Applicant's invention of record.

However, in the interest of expediting the prosecution of the present matter, Applicant has further amended the independent claims to distinguish over the approach used in Amdur and that which is done in Applicant's claimed invention.

Specifically, it appears to Applicant that because Applicant had not originally defined or limited the phrase "alias identity information" to distinguish it over "true identity information" for a principal that the Examiner has maintained a broad interpretation so as to include true identity information as being alias identity information. Applicant has amended the independent claims to now to foreclose such an interpretation and to make clear the distinction. Applicant also believes that this highlights what is meant by "random" so as to preclude defining "biometric data" and being random.

Accordingly, Applicant respectfully requests that the learned Examiner reconsider the claims in view of the amendments and remarks presented herein and above.

**Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

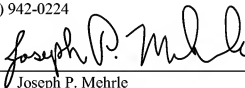
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By /



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